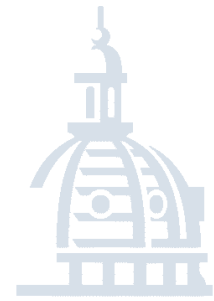


Fiscal Note

Fiscal Services Division



HF 2504 – Flood Areas, Double Fines (LSB 5910HV)

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Fiscal Note Version – New

House File 2504 doubles criminal fines and civil penalties in disaster areas and takes effect upon enactment.

Background

Correctional and Fiscal Information

Current Fine Amount vs. Proposed Fine Amount in a Disaster Area

Code Section	Crime	Classification	Minimum Fine	Min. Fine HF 2504
711.3	Robbery in the Second Degree	Class "C" Felony	\$ 1,000	\$ 2,000
711.4(7)	Extortion	Class "D" Felony	750	1,500
712.3	Arson in the Second Degree	Class "C" Felony	1,000	2,000
712.4	Arson in the Third Degree	Aggr. Misdemeanor	625	1,250
712.5	Reckless use of fire or explosives	Serious Misdemeanor	300	600
712.6(1)	Person possessing an incendiary or explosive device with intent to commit a public offense	Class "C" Felony	1,000	2,000
712.6(2)	Person possessing an incendiary or explosive device	Aggr. Misdemeanor	625	1,250
713.4	Attempted Burglary in the First Degree	Class "C" Felony	1,000	2,000
713.5	Burglary in the Second Degree	Class "C" Felony	1,000	2,000
713.6	Attempted Burglary in the Second Degree	Class "D" Felony	750	1,500
713.6A(1)	Burglary in the Third Degree	Class "D" Felony	750	1,500
713.6A(2)	Burglary in the Third Degree - car or boat	Aggr. Misdemeanor	625	1,250
712.6A(2)	Attempted Burglary in the Third Degree	Aggr. Misdemeanor	625	1,250
713.6B	Attempted Burglary in the Third Degree - car or boat	Serious Misdemeanor	315	630
713.7	Possession of Burglar's Tools	Aggr. Misdemeanor	625	1,250
714.2(1)	Theft in the First Degree	Class "C" Felony	1,000	2,000
714.2(2)	Theft in the Second Degree	Class "D" Felony	750	1,500
714.2(3)	Theft in the Third Degree	Aggr. Misdemeanor	625	1,250
714.2(4)	Theft in the Fourth Degree	Serious Misdemeanor	315	630
714.2(5)	Theft in the Fifth Degree	Simple Misdemeanor	65	130
716.3	Criminal Mischief in the First Degree	Class "C" Felony	1,000	2,000
716.4	Criminal Mischief in the Second Degree	Class "D" Felony	750	1,500
716.5	Criminal Mischief in the Third Degree	Aggr. Misdemeanor	625	1,250
716.6	Criminal Mischief in the Fourth Degree	Serious Misdemeanor	315	630
716.6	Criminal Mischief in the Fifth Degree	Simple Misdemeanor	65	130
455B.307	Illegal Dumping	Civil Penalty	\$5,000/day	\$10,000/day
455B.307A	Illegal Discard of Solid Waste	Civil Penalty	\$1,000/day	\$2,000/day

Minority Data Information

The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.

Assumptions

Correctional and Fiscal Information

- The doubling of fines and penalties applies to criminal offenses committed during the disaster declaration or proclamation and for three years after the date the disaster or emergency ends.
- Data was compiled using Linn County for the six months prior to the 2008 flood and the six months after, for offenses that occurred during that time. According to the Justice Data Warehouse, in the six months prior to June 2008, there were 341 convictions for the targeted offenses that occurred during that time period. For the six-month period from June to November 2008, there were 246 convictions for offenses that occurred during that time period.
- Collections for fines vary on the size of the fine. One year collection rates for criminal offenses (felonies and indictable misdemeanors) for FY 2009 ranged from 5.0% to 5.7%.
- The number of disaster declarations varies by year and by area of the State.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact: The overall correctional impact of this Bill cannot be determined because it is difficult to determine the number of convictions. The number of convictions based on offense data may be lower because law enforcement activities may be disrupted and channeled into other priorities. The number of incidents may be higher during a disaster, but the number of arrests and convictions may be less due to fewer offenders being arrested.

Minority Impact: Twelve months after the flood in Linn County, there were 100 offenders convicted of the listed felony offenses, and 936 offenders convicted of the misdemeanor offenses. Where race is known, 30.9% of the misdemeanor offenders were African American and 22.2% of the felony offenders were African American. Of the misdemeanor offenders, 57.0% were Caucasian and 69.5% of the felons were Caucasian. If the enhanced penalties are available for a three-year period, there may be a substantial impact on minorities.

Fiscal Impact: The fiscal impact of this Bill cannot be determined as it is difficult to determine the fines imposed and collected. A conviction would result in a doubled fine and range from \$130 for a simple misdemeanor to \$2,000 for a Class C felony. The 35.0% Criminal Penalty Surcharge would be applied to the increased fine amount. The increased revenue from the fine would range from \$65 to \$1,000, adjusted for a collection rate of 5.0%. The Surcharge increase would range from \$22.75 to \$350. The revenue in HF 2504 includes money deposited in the General Fund, the Victim Compensation Fund, the Department of Transportation, and distributed to cities and counties.

Sources

Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

February 24, 2010

The fiscal note for this bill was prepared pursuant to Joint Rule 17 and the correctional and minority impact statements were prepared pursuant to Code Section 2.56. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
